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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,667	03/15/2002	Alex Mashinsky	4330-4004US1	5716
7590	06/07/2005		EXAMINER	
ALEX MASHINSKY 245 WEST 72ND STREET SUITE 7D NEW YORK, NY 10023			BUI, BING Q	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/098,667	MASHINSKY ET AL.
Examiner	Art Unit	
Bing Q. Bui	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 December 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 8-20 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 15 March 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Newly submitted claims 8-20 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New added claims 8-20 direct to a method and system for routing a data call or wireless call via a data network (e.g., Internet) classified in class 370, subclass 352 that distinct from class 379, subclass 211.01 classified for claims 1-3 originally filed and new added claims 4-7.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8-20 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollatz et al (US Pat No. 6,222,919), herein after referred as Hollatz.

Regarding claim 1, Hollatz teaches a method, comprising:

receiving a telephone call having routing information (e.g., caller's required skill) from an originating party (see Abstract; and Figs 1-2; and col. 2, Ins 12-24);

routing the telephone call to a terminating party based on the routing information (e.g., routing the telephone call to one of skill groups 1-n having skill that matches the caller's required skill) (see Abstract; and Figs 1-2; and col. 2, Ins 12-24);

determining an identity of the terminating party (see Abstract; and Figs 1-2; and col. 2, Ins 12-24);

determining targeted marketing material based on the identity of the terminating party (e.g., determining an available agent in the group having skill that matches the group skill indicator) (see Abstract; and Figs 1-2; and col. 2, Ins 12-24); and

providing the targeted marketing material to the originating party (e.g. providing service to the caller in accordance with the caller's required skill) (see Abstract; and Figs 1-2; and col. 2, Ins 12-24).

Regarding claim 2, toll-free number designed for ACD or call center that provides convenience to customer is so well known in the art.

As to claim 3, it is rejected for the same reasons set forth to rejecting claim 1 above, since claim 3 is merely a system for implementing the method defined in the method claim 1.

Regarding claim 4, Hollatz teaches the method of claim 1, further comprising providing targeted marketing materials to the terminating party (see Abstract; and Figs 1-2; and col. 2, Ins 12-24).

Regarding claim 5, Hollatz teaches the method of claim 1, further comprising identifying the originating party (see Abstract; and Figs 1-2; and col. 2, Ins 12-24).

Regarding claim 6, Hollatz teaches the method of claim 5, further comprising providing targeted marketing materials to the originating party based on characteristics associated with the identity of the originating party (see Abstract; and Figs 1-2; and col. 2, Ins 12-24).

Regarding claim 7, Hollatz teaches the method of claim 5, further comprising providing targeted marketing materials to the targeting party based on characteristics associated with the identity of the originating party (see Abstract; and Figs 1-2; and col. 2, Ins 12-24).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number

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for the organization where this application or proceeding is assigned is (703) 872-9306

and for formal communications intended for entry (please label the response

EXPEDITED PROCEDURE  ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

16 May 2005



**BING Q. BUI**  
**PRIMARY EXAMINER**